

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-262-C - ORDER NO. 2008-604
AUGUST 26, 2008

IN RE: Joint Application of Broadview Networks,)	ORDER APPROVING
Incorporated and ATX Licensing,)	TRANSFER OF
Incorporated for Authority to Transfer)	CUSTOMER BASE
Customer Base)	
)	
)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of Broadview Networks, Inc. (“Broadview”) and ATX Licensing, Inc. (“ATX”) (together, “the Applicants” or “the Companies”) for authority to transfer a substantial portion of the customers of ATX to Broadview. Pursuant to the instructions of the Commission’s Docketing Department, the Applicants published a Notice of Filing in newspapers of general circulation in the Applicants’ service areas. No Protest or Petitions to Intervene were received.

Subsequently, the Applicants requested that the matter be placed on the Commission’s agenda for adjudication without a formal public hearing as a matter for expedited review. The Companies filed the verified testimony of Charles C. Hunter, Executive Vice President, Secretary and General Counsel of Broadview in support of the Application. We grant expedited review, and hold that the weekly agenda session where this matter was considered was the “due hearing” required under S.C. Code Ann. Section

58-9-310 (Supp. 2007). We will proceed to decide the matter, based on the verified testimony and the rest of the record in this case.

Hunter testified that, in order to better and more efficiently serve customers of the various carriers within the Broadview corporate family, a substantial portion of the customers of ATX are to be consolidated into the Broadview customer base. Following the migration, the former ATX customers will be provided with the same services, at the same rates, and on the same terms and conditions that they received before the migration. Customers will be provided advance written notice of the migration and afforded an opportunity to opt out of the transfer. The internal transfer of accounts will be transparent to the customers; the only noticeable change to customers will be the name of the carrier on their monthly bill, which will change to Broadview.

Broadview will file a supplement to its tariff as necessary to preserve the current rates, terms and conditions that customers now have in place. ATX's tariff will remain on file with the Commission, however, since ATX will retain its operating authority to serve those of its customers which will not be transferred to Broadview.

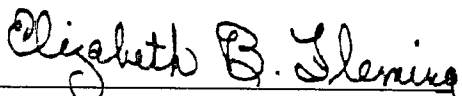
According to Hunter, no customer will experience disruption of service as a result of this customer base consolidation. Broadview believes that it will be better able to serve its customers and those of ATX on a consolidated basis.

Under the terms of S.C. Code Ann. Section 58-9-310 (Supp. 2007), this Commission must approve any transfer of property between telephone utilities. Customer bases are property under this statute.

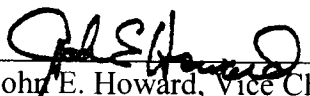
We have examined the entire record in this case, including the verified prefiled testimony, and conclude that the transfer should be approved. ATX's current customers will have their present rates, terms, and conditions preserved by Broadview. Those customers will be notified and given an opportunity to opt out of the transfer. It appears that the only change that these customers will see, if they remain with the Applicants, is the Broadview name on their bills. Accordingly, the transfer is approved. Broadview will file a supplement to its tariff as indicated above within thirty (30) days of the completion of the transfer of the customer base.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)